

## **§ 792.205**

### **§ 792.205 Which agency funds may be used for the purpose of the child care subsidy program?**

Agencies are permitted to use appropriated funds, including revolving funds, that are otherwise available to them for salaries and expenses.

### **§ 792.206 Are agencies required to participate in this program?**

Agencies are not required to participate in this program. The decision to participate is left to the discretion of the agency. If an agency chooses to participate, it may not use funds other than those specified in § 792.205.

### **§ 792.207 When does the child care subsidy program law become effective and how may agencies take advantage of this law?**

This authority was made permanent on November 12, 2001. Agencies may now offer child care subsidy programs to their lower income Federal employees to help them reduce their child care costs.

### **§ 792.208 What is the definition of executive agency?**

The term *executive agency* is defined by section 105 of title 5, United States Code, but does not include the General Accounting Office.

### **§ 792.209 What is the definition of child care subsidy program?**

The term *child care subsidy program*, for the purposes of this subpart, means the program that results from the expenditure of agency funds to assist lower income Federal employees with child care costs, including such activities as: Determining which employees receive a subsidy and the size of the subsidy each employee receives; distributing agency funds to participating providers; and tracking and reporting to OPM information such as total cost and employee use of the program.

### **§ 792.210 What is the definition of civilian employee?**

The term *civilian employee*, for the purposes of this subpart, means all appointive positions in an executive agency (5 U.S.C. 105). It does not refer to private contractors hired by the agencies.

## **5 CFR Ch. I (1–1–04 Edition)**

### **§ 792.211 What is the definition of a Federally sponsored child care center?**

The term *Federally sponsored child care center*, for the purposes of this subpart, is a child care center that is located in a building or space that is owned or leased by the Federal Government.

### **§ 792.212 What is the definition of a child care contractor?**

Section 630 of Public Law 107-67 provides that child care services provided by contract are encompassed by this new legislation. The term *child care contractor* applies to an organization or individual providing child care services for which Federal families are eligible. These entities are commonly referred to as “child care providers” in the child care industry and they provide services under contract in center-based child care and family child care homes.

### **§ 792.213 What is the definition of a child for the purposes of this subpart?**

For the purposes of this subpart, a *child* is considered to be:

- (a) A biological child who lives with the Federal employee;
- (b) An adopted child;
- (c) A stepchild;
- (d) A foster child;
- (e) A child for whom a judicial determination of support has been obtained; or
- (f) A child to whose support the Federal employee, who is a parent or legal guardian, makes regular and substantial contributions.

### **§ 792.214 Which children are eligible for this subsidy?**

The law covers the children of Federal employees, excluding contract employees, from birth through age 13 and disabled children through age 18.

### **§ 792.215 What is the definition of a child with disabilities?**

For the purpose of this subpart, a *child with disabilities* is defined as one who is unable to care for himself or herself based on a physical or mental incapacity as determined by a physician or licensed or certified psychologist.